

Council

**Public minutes of the 129th meeting of the Health and Care Professions
Council as follows:-**

Date: Wednesday 25 March 2020

Time: 9.30am

Venue: Teleconference

Present: Christine Elliott (Chair)
Stephen Cohen
Maureen Drake
Kathryn Foreman
Sue Gallone
Helen Gough
Sonya Lam
Eileen Mullan
Gavin Scott
David Stirling
Kathryn Thirlaway
Stephen Wordsworth

In attendance:

Claire Amor, Secretary to Council
John Barwick, Chief Executive
Olivia Bird, Policy Manager (item 15)
Gordon Dixon, Interim Finance Director
Claire Holt, Interim Director of HR & OD
Jacqueline Ladds, Executive Director of Policy and External Relations
Margaret Osibowale, Head of Financial Planning (Item 12)
Uta Pollmann, Hr and Partner Manager (item 11)
Tian Tian, Director of Finance
Katherine Timms, Head of Policy and Standards (item 14)

Public Agenda

Item 1.20/24 Chair's welcome and introduction

- 1.1. The Chair welcomed Council members and the Executive to the 129th meeting of Council.
- 1.2. The Council adopted the following resolution:-

"That, for the purpose of ensuring that the Council is able to discharge its functions effectively during the present Covid-19 pandemic, until such time as the Chair determines otherwise:

 - (1) Standing Order 5, so far as it requires Council meetings to be open to the public, is suspended; and
 - (2) any meeting of the Council may be conducted by telephone conference or video conference."
- 1.3 The Chair and Council noted their thanks and gratitude to the HCPC Executive and all HCPC employees for their quick and effective response to the current pandemic, which had received positive stakeholder feedback.

Item 2.20/25 Apologies for absence

- 2.1 There were no apologies for absence.

Item 3.20/26 Approval of Agenda

- 3.1 The Council approved the agenda.

Item 4.20/27 Declaration of Members' interests

- 4.1 No interests were declared.

Item 5.20/28 Minutes of the Council meeting of 5 February 2020

- 5.1 The Council agreed that the final sentence of paragraph 8.i.6 should read 'The Council emphasised that change activity needed to be sustainable and not be at the detriment of business as usual performance.'
- 5.2 The Council agreed the minutes of the 128th meeting of the Health and Care Professions Council subject to this amendment.

Item 6.20/29 Matters arising

- 6.1 The Council noted those matters arising from the meeting held on 5 February 2020.

Standing items

Item 7.20/30 Chair's report

- 7.1 The Council noted a report from the Chair.

Item 8.i 20/31 Covid-19 response

- 8.i.1 The Chief Executive noted the exceptional and uncertain times being experienced as a result of the Covid-19 pandemic impact and preventative response measures. He noted that the HCPC's main objective during this time was to ensure its statutory duty to protect the public was fulfilled, whilst taking account of current Government and public health guidance. The HCPC was also cognisant of the need to provide flexibility and support to registrants who would be working in very challenging circumstances.
- 8.i.2 The Chief Executive provided a briefing on the HCPC's activity and approach in response to the pandemic. The Council noted the following points:-
- the HCPC had worked closely with NHS bodies, Council of Deans of Health and the Government in preparation for emergency legislation enabling the temporary registration of former registrants and final year students. Preparation for the temporary registers opening was complete and communication to former registrants and education providers had begun. The HCPC would also help to publicise the NHS survey for professionals to register their support;
 - the HCPC had published a policy statement on its approach and released a joint statement with the four Chief Allied Health Professions Officers. A joint statement from the health professions regulators had also been published, setting out the approach to regulation during the pandemic period;
 - the Executive was considering the policy for FtP concerns raised about registrants and students on the temporary registers;
 - all substantive FtP hearings had been postponed until 6 July 2020. Interim orders and substantive order reviews were being prioritised and Investigating Committee Panels (ICP's) were continuing. This approach was in line with the other regulators;
 - the CPD audit process had been suspended for physiotherapists and the next three professions due to renew;

- education approval visits would take place virtually for those providers who wished to proceed during the pandemic, whilst face to face visits were not possible;
- a Covid-19 information hub had been created on the HCPC website; which contained information and advice for registrants, employers, students and education providers. This hub included an FAQ's page which was regularly updated with the many queries being received;
- all HCPC offices were closed and employees were working from home. The considerable effort and responsiveness from the IT and facilities teams to achieve this had been commendable. A small team of volunteer local employees would be in the office one day a week to process and scan any post, and this would remain under review;
- various channels for keeping in touch were being used and an all employee survey would be undertaken to canvas experiences of working from home and identify opportunities for improvement and support:
- SMT and Heads of Department were holding a daily morning virtual meeting to discuss work in progress, and any issues arising; and
- Change Plan priorities and the Strategic Risk Register were under review to assess the impact of the pandemic.

- 8.i.3 The Council discussed guidance for private practitioners noting that these registrants working outside of the NHS were not as connected into current guidance. The Council noted that the HCPC's information hub and FAQ pages signposted to Public Health England as the most suitable source of up to date guidance.
- 8.i.4 The Council asked if a webinar would be held on how the student temporary register would work in practice. It was noted that a webinar was not planned but that the HCPC had set out its position that final year students would be admitted to the temporary register and education providers had received communication setting out the process and approach. Any queries on this process would be added to the FAQ's page on the website.
- 8.i.5 The Council requested that the online information hub include advice for service users and employers considering raising FtP concerns during the pandemic period.
- 8.i.6 The Council discussed the risks for the HCPC arising from the new ways of working. It was noted that the Executive was reviewing the risk registers to take account of new processes and that resources would be reallocated to the areas of most need. The Executive advised that the main risk was ensuring continued public protection and for that reason the focus had been on ensuring the interim order and substantive order review processes continued.

- 8.i.7 The Council noted that there was acknowledgement among the regulators that PSA standard performance would deteriorate during the pandemic period as FtP investigations could not proceed on normal timescales, given the pressure on external stakeholders as well as internal focus on rapid temporary registration. In addition, the resource required to support the PSA's performance review process from the regulators involved in the pandemic response was not available. The PSA had been approached on this issue.
- 8.i.8 The Council discussed employee wellbeing. It was noted that employees had access to counselling through the employee assistance programme. Additionally the availability of mental health first aiders was being promoted. Examples of innovative ways teams were keeping in touch remotely were shared organisation wide and an all employee survey would be launched shortly to gather employee's experiences of working from home and the challenges they may be facing.
- 8.i.9 The Council noted that sickness absence due to Covid-19 symptoms was being coded separately and would not contribute to annual sickness absence trigger points. Due to pressures on employees also needing to undertake childcare, flexible working hours were available to all employees.
- 8.i.10 The Chair of Council asked Council members to contact her to explore any additional support they could provide to employees or registrants during the pandemic period.

Item 8.ii. 20/32 Chief Executive's performance report

- 8.ii.1 The Council received a report from the Chief Executive.
- 8.ii.2 The Council noted the following points:-
- priorities in the period had focused on activities within the Change Plan, including collating the responses to the PSA's targeted review questions and the FtP cases audit; preparation of the 2020-21 budget, progressing the registration fee proposals, FtP business improvement work, recruitment to key roles and employee engagement;
 - the open FtP caseload had decreased following the transfer of social workers. However, the trend of more cases being received than concluded continued. Performance data showed that once a case had completed the ICP stage progression to final hearing, it was within the KPI standard;
 - advanced practice workshops were in development with stakeholders including employers, professional bodies and NHS bodies. An update paper with initial findings would be presented to the Education and Training Committee and Council in September 2020;

- The SMT would consider an options paper in April on plans for the development of a data and intelligence function. The budget for 2020-21 included provision for this function;
- the Equality Diversity and Inclusion action plan had been developed with the input of some Council members. A six month review of the plan would be undertaken and presented to Council in September 2020; and
- employee turnover remained above the national average, this was due to the re-sizing of the organisation following the transfer of social worker regulation. Increased sickness levels were also expected during a time of organisational change. Employee engagement and wellbeing remained a key focus of the SMT, and formed one of the six key priorities in the Corporate Plan.

- 8.ii.3 The Council noted that the Executive had attended a meeting with the Department of Health and Social Care and the other regulators to consider the proposed FtP and Operational Framework legal instructions as part of regulatory reform. While a high-level timetable was shared it was expected that due to the necessary Government focus on the pandemic response, this would be delayed.
- 8.ii.4 The Council discussed the distribution of resource within FtP, as hearings activity had been suspended due to the pandemic measures. It was noted that ICP activity would continue as these were not public hearings and could be undertaken remotely. Triage activity would remain a focus for the team and whilst it was acknowledged that investigation progression would be impacted by third parties' ability to engage with the process at this time, investigation activity would continue.
- 8.ii.5 The Council noted that the main variable in the FtP budget was the number of final hearings as this was where the significant costs were incurred. The number of final hearings and therefore the expenditure in FtP could be controlled by case progression through the ICP stage. However, the Council noted that delaying cases reaching final hearing did not result in cost savings but only delayed the expenditure.
- 8.ii.6 The Council agreed that the Executive's proposed approach of realigning the budget to allow more pre ICP cases to be addressed, while accepting the resulting impact on the deficit, was the right one in order to deliver the HCPC's primary objective of public protection.
- 8.ii.7 The Council noted that in the longer term the budget should benefit from upstream measures and prevention agenda influence which, if effective, were expected to reduce the number of FtP cases being reported to the HCPC.
- 8.ii.8 The Council requested a three-year projection for FtP caseload sustainability with scenario analysis to account for increasing caseloads and other factors

that may impact on progression. The Executive agreed to provide this analysis.

- 8.ii.9 The Council discussed new ways of working emerging as a result of the pandemic response. It was agreed that learning during the period of social isolation measures provided an opportunity for longer term innovation and improvement if the evidence during the period was that these new processes worked.

Item 9. 20/33 Finance Update

- 9.1 The Council received a paper from the Director of Finance.
- 9.2 The Council noted that at the end of February 2020, the HCPC's year to date deficit was £257k. This was largely driven by an increase in the numbers of FtP cases and hearings.
- 9.3 The Council agreed that the Chair of the Audit Committee and Audit Committee member Gavin Scott would work with the Executive to make a recommendation to the wider Audit Committee on a revised Reserves Policy. For this reason, the Council did not consider the revised Reserves Policy.
- 9.4 The Council agreed that the Annual Report and Account timetable would be amended to lay in parliament following the summer recess. The Council would be asked to approve the Report at its September 2020 meeting.
- 9.5 The Council considered the proposal to amend the application of capitalisation and depreciation policies. The Council agreed the change in application of the accounting policies as set out in appendix two of the paper.
- 9.6 The Council noted the Director of Finance's request for any information relevant to the annual insurance disclosure be forwarded to her or the insurers directly.

Items for discussion / approval

Item 10. 20/34 HCPC Registration Fees proposals

- 10.1 The Council received a paper from the Chief Executive.
- 10.2 The Council noted the following points:-
- in February 2019, the Council considered the outcomes of the consultation on changes to the HCPC registration fee, since that time further stakeholder engagement had been undertaken;
 - the HCPC spent time listening carefully to the points raised by stakeholders about the impact the original proposals had had. The HCPC had since engaged with both Unison and Unite in Scotland and

England, as well as re-engaging with the professional bodies and Government;

- following reflection on this feedback, a revised proposal of an increase of £8.12 was proposed. This was calculated using year on year percentage raises given to Band 5 NHS professionals, the largest by volume grade, since 2015 when HCPC last increased its fees;
- in addition, the graduate discount would be retained; and
- to achieve the reduced increases, significant and challenging cost efficiencies had been identified and implemented.

- 10.3 The Council welcomed the significant stakeholder reengagement undertaken by the Chair and Chief Executive and the considered review of the fee proposal. The Council agreed that the revised fee increase would ensure that HCPC remains resourced to carry out its statutory functions. It was noted that the investment required in new initiatives would by necessity require review with some benefits taking longer to materialise.
- 10.4 The Council noted that with the revised increase the HCPC would continue to be in a financial deficit and would not return to a surplus position until 2022-23 once the full effect of the fee increase was realised.
- 10.5 The Council discussed the accompanying impact assessment. It was noted that registrants returning from a career break due to maternity leave were required to pay the readmission fee. The Council questioned this, with some members feeling this was an unfair disadvantage. Other members noted that registrants were not required to leave the register when taking career breaks, only to maintain appropriate CPD and that maternity leave was an accepted reason for CPD audit deferral. There was some concern that removing this readmission cost may encourage more registrant to leave the register rather than retaining the benefits of registration during maternity leave.
- 10.6 The Executive noted that applying any variable fees for certain groups had been considered in the past and had proved costly and cumbersome to administer. Any unintended consequences required consideration and financial and resource impact assessment. The Executive agreed to consider this matter, in light of the impact assessment undertaken in 2019, to identify any response to this issue for consistency. The Executive would return to the Council with a considered position.
- 10.7 The Council discussed the expected laying date of the revised fee rules. It was agreed by both the Council and the Executive that the HCPC should not progress the fee increase at the present time due to the increased pressure on registrants and the Governments in the four countries as a result of the Covid-19 pandemic response. While the Council was asked to approve the revised fee rules, the Executive requested that the timing of the laying of the revised rules be delegated to the Chair of Council in consultation with the Chief Executive.

10.8 The Council agreed the fee increase proposals. It was agreed that the date of laying of the revised fee rules would be delegated to the Chair of Council in consultation with the Chief Executive.

Item 11. 20/35 Partner fee review

11.1 The Council received a paper from the Director of HR and OD.

11.2 The Council noted that the Executive had undertaken a benchmarking exercise for partner roles. The Remuneration Committee had considered this data and had recommended to Council that from 1 April 2020 fees for all partner roles, excluding CPD assessors and legal assessors, should be increased by 2% for the 2020-21 financial year.

11.3 The Council noted that the remuneration model for the CPD assessor role required further consideration and therefore it was not included in the Remuneration Committee's recommendation.

11.4 The Council noted that the Remuneration Committee agreed to review the remuneration of partner roles on an annual basis, as with employee and SMT pay. It was noted however that a full benchmarking exercise would be undertaken on a pragmatic basis and not annually.

11.5 The Council approved the 2% increase in partner fees (excluding CPD assessors and Legal Assessors) for the 2020-21 financial year.

Item 12. 20/36 Budget 2020-21

12.1 The Council received a paper from the Director of Finance.

12.2 The Council noted the following points:-

- the proposed budget for 2020-21 was a deficit of £2,867k. The budget would be reviewed and updated on a quarterly rolling basis;
- the proposed budget took into account cost saving initiatives the organisation went through in 2019-20 financial year;
- the proposed headcount for 2020-21, prior to any investment activities represented a 20% reduction compared to pre-social worker transfer numbers; and
- investment activity was outlined in the paper, this included a data and intelligence and professional liaison function to support the prevention agenda.

12.3 The Council noted the Executive's initial assessment of the financial impact of the Covid-19 pandemic response. It was noted that associated costs would continue to be monitored and reported separately.

- 12.4 The Council discussed the funding required to stabilise FtP case numbers. It was noted that the Executive had budgeted for an 18-month timescale to reduce the case load to a sustainable level. The Council agreed that investment in FtP was important and that FtP performance should not be compromised to balance the budget. However, the Council required the Executive to demonstrate the impact of this investment and appropriate timely progression of new and old caseloads through performance reporting.
- 12.5 The Council endorsed the 18-month timescale and investment required to stabilise the FtP caseload and performance as set out in the budget.
- 12.6 The Council discussed the representation of IT and Communication transformation within the budget. It was noted that an estimated cost was included in the budget and that this would be refined as work progressed to provide a more accurate budget in September 2020.
- 12.7 The Council approved the 2020-21 budget.

Item 13. 20/37 Scheme of delegation

- 13.1 The Council received a paper from the Executive.
- 13.2 The Council noted that the Scheme of Delegation had been revised to clearly differentiate between the roles of Registrar and Chief Executive.
- 13.3 The Council requested that references to social workers in England be removed from the Scheme. With this amendment, the Council approved the revised scheme of delegation.
- 13.4 The Council appointed John Barwick, Chief Executive, to be the Registrar from 1 April 2020.

Item 14. 20/38 Review of the standards of proficiency consultation

- 14.1 The Council received a paper from the Policy Manager.
- 14.2 The Council noted the following points:-
- in March 2019, the Council approved the review of the standards of proficiency (SOPs). The review was focused on aligning the generic standards and therefore the process was streamlined and targeted engagement with stakeholders was undertaken in place of formal Professional Liaison Groups (PLG's);
 - the Education and Training Committee (ETC) recommended the consultation document to Council for approval at its meeting on 10 March 2020;

- the ETC agreed that the effectiveness of the streamlined engagement approach would be evaluated at the conclusion of the consultation, feedback to date had been positive;
 - since the ETC's consideration, the pandemic response had escalated and the Executive had developed a revised consultation timescale; and
 - the communications plan to accompany the consultation was in development and would take into account the added pressures on stakeholders as a result of the pandemic.
- 14.3 The Council welcomed the thought given to the timing of the consultation. It was noted that the consultation would be postponed until at least May 2020 and that the launch date of the consultation would be kept under review to take account of external pressures on stakeholders.
- 14.4 The Council asked if the duty of candour should be emphasised in the SOPs. It was noted that this duty was a key part of the standards of conduct performance and ethics and therefore would not be duplicated; however, feedback on this point within consultation responses would be monitored.
- 14.5 The Committee asked if virtual workshops would be used in the consultation. It was noted that workshops were not planned but were undertaken for the development work to produce proposed revisions to the standards. It was noted that the communications plan was still in development.
- 14.6 The Council noted that workshops on advanced practice and service user engagement were due to take place in the coming months, and that the approach to these workshops was under review to explore if a virtual option was feasible.
- 14.7 The Council thanked the Executive for the comprehensive equality impact assessment accompanying the consultation document.
- 14.8 The Council approved the consultation document and agreed that the timing of the consultation would be delegated to the Executive to determine, taking into account the external pressures on stakeholders due to the Covid-19 pandemic response.

The Council noted the following items:-

Item 15. 20/39 Unconfirmed minutes of the Audit Committee meeting of 4 March 2020

Item 16. 20/40 Unconfirmed minutes of the Education and Training Committee of 10 March 2020

Item 17. 20/41 Minutes of the public session of the Remuneration Committee of 6 February & 12 March 2020

Item 18. 20/42 Remuneration Committee annual report

Item 19. 20/43 Any other business

19.1 The Council agreed that a more suitable virtual meeting technology solution was required. The Executive agreed and noted that this was being explored with IT.

Item 20. 20/44 Date and time of next meeting:

20.1 10am, 21 May 2020.

Item 21. 20/45 Resolution

The Council adopted the following resolution:

'The Council hereby resolves that the remainder of the meeting shall be held in private, because the matters being discussed relate to the following;

- (a) information relating to a registrant, former registrant or application for registration;
- (b) information relating to an employee or office holder, former employee or applicant for any post or office;
- (c) the terms of, or expenditure under, a tender or contract for the purchase or supply of goods or services or the acquisition or disposal of property;
- (d) negotiations or consultation concerning labour relations between the Council and its employees;
- (e) any issue relating to legal proceedings which are being contemplated or instituted by or against the Council;
- (f) action being taken to prevent or detect crime to prosecute offenders;
- (g) the source of information given to the Council in confidence; or
- (h) any other matter which, in the opinion of the Chair, is confidential or the public disclosure of which would prejudice the effective discharge of the Council's functions.

Item	Reason for Exclusion
22	A
23	H
24	H
25	B

Chair:

Date: